

REMARKS

Applicant has amended claims 1, 4, 5, 6, 15, 21, and 23-26. Claims 8-10 have been cancelled. These amendments have been made to place the claims in better form for examination and to further obviate the 35 U.S.C. §§102(b), 103(a), and 112 rejections as set forth in the Office Action dated March 4, 2005. It is believed that none of these amendments constitute new matter. It is submitted that these amendments obviate the rejections. Withdrawal of these rejections is respectfully requested.

The Examiner has objected to claims 1, 6, 23, and 24 for their inclusion of blank lines. The Examiner is correct in his assumption that the blanks will be replaced with a deposit accession number.

The Examiner has objected to claim 1. Applicant has amended claim 1 as suggested by the Examiner. Withdrawal of this objection is requested.

The Examiner has objected to claim 4. Applicant has amended claim 4 as suggested by the Examiner. Withdrawal of this objection is requested.

The Examiner has objected to claim 5. Applicant has amended claim 5 as suggested by the Examiner. Withdrawal of this objection is requested.

The Examiner has objected to claim 21. Applicant has amended claim 21 as suggested by the Examiner. Withdrawal of this objection is requested.

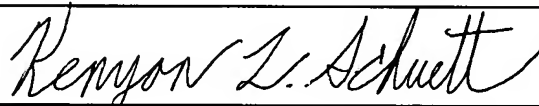
The Examiner has rejected claims 1-28 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Upon allowance of this application, Applicant will amend the claims with the ATCC Accession number.

The Examiner has rejected claims 8-10 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Applicant has canceled claims 8-10. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 8-10 and 21-22 under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant has canceled

claims 8-10 and amended claim 21. Withdrawal of this rejection is respectfully requested.

The Examiner has rejected claims 8-10 under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Wallace et. al. (Crop. Sci. 42: 2216-2217, 2002). Applicant has cancelled claims 8-10. Withdrawal of this rejection is respectfully requested.

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED					
NAME AND REG. NUMBER	KENYON L. SCHUETT, Reg. No. 44,324				
SIGNATURE			DATE	MAY 9, 2005	
Address	Jondle & Associates P.C. Suite 200, 9085 East Mineral Circle				
City	Centennial	State	CO	Zip Code	80112
Country	U.S.A.	Telephone	303-799-6444	Fax	303-799-6898